

of solid masonry, and effectually prevent the descent of boats and arks down said river, except by the passage through the chute or sluice made in one side of each of said dams, which chute or sluice is at all times dangerous, and has already occasioned great losses to those who have attempted the passage of them; and by said dams the ascending navigation is wholly destroyed:—And, whereas the River Susquehanna, from the earliest settlement of the country, has been used by the inhabitants of its borders, for the convenient transportation to markets of the products of their industry, and for the transportation from the seaboard to the interior, of such articles as the situation of its people rendered convenient and necessary: And whereas the inhabitants of the soil bordering on navigable rivers, have a right to the free and unobstructed use of such rivers, for the purposes aforesaid, and such principle has been sanctioned by the enlightened judgment of mankind, and has been strengthened by the Union under one government of these States: And whereas the maintenance of this principle is necessary, to the convenient commercial intercourse between the different States—is calculated to develop the resources, and increase the wealth and the power of said States, and to promote the happiness of their respective citizens, and to bind these States indissolubly together, under our present happy form of government—And whereas the Constitution of the United States has secured to the citizens of each State, all the privileges and immunities of citizens in the several States, and hath expressly prohibited the passage of any law by the Legislature of a State impairing the obligations of contracts: And whereas by an act of the Legislature of Maryland, passed at November session 1799, to incorporate a company, to make a Canal from the River Delaware to the Chesapeake Bay, it was declared that the said act, should be of no force or effect, until a law should be passed by the State of Pennsylvania, declaring the River Susquehanna a public highway, and authorizing individuals or bodies corporate to remove any obstructions therein, at a period not exceeding three years, from the first day of March, in the year eighteen hundred. And whereas the State of Pennsylvania in the year 1801, did also pass an act to incorporate the said company, and in compliance with the condition precedent contained in the law of Maryland, expressly enact and declare, *“that the River Susquehanna down to the Maryland line, shall be, and the same is hereby declared to be, a public highway, any act or law of this commonwealth to the contrary notwithstanding, and it shall and may be lawful for the*